

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450.

Dated: 11/10/06

Signature: Docket No.: 9189 (A-947B)  
01017/40451)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Brockhaus et al.

Application No.: 08/444,790

Art Unit: 1646

Filed: May 19, 1995

Examiner: Z. Howard

For: HUMAN TNF RECEPTORTHIRD DECLARATION OF DR. WERNER LESSLAUER UNDER 35 U.S.C. § 1.132

I, Dr. Werner Lesslauer, hereby declare as follows that:

1. I am a named co-inventor of the above-referenced application, which claims priority of a U.S. application filed on September 10, 1990. At the time the patent application was filed, I was a staff scientist at F. Hoffmann-LaRoche AG in Basel, Switzerland (Roche).
2. I have recently re-reviewed the text of the above-referenced application.
3. The activities described in paragraph 4 below were carried out in our laboratories at Roche at my request, and I have reviewed laboratory notebooks describing the activities described in paragraphs 4 and 5 below.
4. A DNA construct designated N227 containing DNA sequence which includes sequence encoding the signal sequence and the extracellular domain of human p75 tumor necrosis factor receptor (TNFR) was constructed on a date before September 10, 1990.
5. Amplified copies of the N227 construct were made and samples were stored in a freezer at Roche in a container labeled with the N227 designation.

2/2

Application No.: 08/444,790

Docket No.: 01017/40451B

6. I have been informed that a sample from this container was shipped to Amgen, Inc. Seattle, WA and that Amgen, Inc. deposited an amplified copy of this DNA construct with the American Type Culture Collection on October 17, 2006 under Accession No. PTA-7942.

7. The DNA sequence within construct N227 is a DNA sequence identified in the above-referenced application at page 10, line 34.

8. I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Dated:

CH-4125 Riedha  
November 9, 2006

Werner Lesslauer

Dr. Werner Lesslauer